IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1027 OF 2007

Arvind Ananda Sapkale ...Applicant
vs.
The State of Maharashtra ...Respondent

Ms Naseem Ayubi Advocate appointed for the Applicant
Mr.A.R.Patil A.P.P. for State

CORAM: A.S.OKA,J.
DATE : NOVEMBER 30,2007.

P.C.:

1. Heard learned Advocate appointed to espouse the cause of the Applicant. The learned A.P.P. has produced a copy of order dated 13th September 2007 passed by the learned Sessions Judge, Thane on an application for bail at Exh.304. The offence alleged against the Applicant is under section 489-B and 489-C read with section 120 of the Indian Penal Code. The learned Advocate for the Applicant pointed out that the co-accused have been granted bail by this court. She pointed out that the Applicant has already undergone 34 months in jail. She submitted that the trial is not likely to be concluded in near future. She submitted that the Applicant's wife will have to undergo a surgery and therefore, the Applicant deserves to be enlarged on bail.

2. The learned A.P.P. pointed out that the Applicant is the prime accused. He pointed that 38 witnesses have been examined and the prosecution desires to examine 23 more witnesses. He submitted that looking to the seriousness of the allegations, no case is made out for grant of bail. He fairly stated that there are no other criminal cases pending

against the Applicant.

3. I have considered the submissions. The Applicant was working as A.S.I. in the Police Department. The allegation is that he was found in possession of counterfeit currency notes of Rs.1,05,000/-. The allegations against the applicant are of involvement in making the counterfeit currency notes and possession of counterfeit notes, criminal conspiracy etc. The trial has made a substantial progress as 38 witnesses have been examined and 23 more are to be examined. Considering the seriousness of the allegations and considering the fact that he is a former police Officer, there is a substance in the apprehension expressed by the learned A.P.P. especially when 23 more witnesses are yet to be examined. In so far as grant of bail to the co-accused is concerned, the role played by the applicant is different. The Applicant happens to be a Police Officer. There is no material placed on record of this Application to show that the Applicant's wife will have to undergo surgery. As there is no material available on record of this application in that behalf, this ground is not considered. There is already a direction issued for expeditious conclusion of the trial.

4. Considering all these aspects, no case is made out for grant of bail. Application is rejected.

JUDGE